

# **Fingerprinting FAQs**

## **Assisted Living and Long Term Care**

### **January 2005**

**1. Q: Who must be fingerprinted?**

**A:** Everyone who provides direct care in a nursing care institution or a residential care institution must be fingerprinted. Everyone who provides home health services or supportive services for a home health agency must be fingerprinted. (A.R.S. § 36-411 (A)) (See Substantive Policy SP-026-DLS-OAD.)

**2. Q: My facility uses contractors such as therapists and registry caregivers. Does each individual need to have a fingerprint clearance card at my facility?**

**A:** Contractors and registry workers contracted by the Facility who provide direct care are required to have Fingerprint Clearance Cards. Individuals contracted directly by residents or patients are not required to have a card. An individual can carry their card on their person if they do not have a personnel record at the facility. If the facility were surveyed, it would not be a violation for a card of a contracted worker to be kept off-site provided that evidence of the card is presented to the surveyor(s) within one working day following the exit survey.

**3. Q: My facility employs someone who was fingerprinted as a condition of their professional license. Do they have to be fingerprinted again to work in a licensed setting?**

**A:** If someone is currently licensed as a health professional under Title 32, and fingerprinting was a requirement to obtain that license, then they do not need to obtain a Fingerprint Clearance Card. (R.N., C.N.A., etc.) For RNs, LPNs, and CNAs, you can find out if they were fingerprinted as a condition of their professional license by checking the Board of Nursing Website at [www.azbn.org](http://www.azbn.org). If the employee was fingerprinted as a condition of their license, surveyors can use any of the following for verification:

1. A copy of their original license from the Board of Nursing, dated 1999 or more recently;
2. A note verifying that the facility verified with the licensing board or agency that they were fingerprinted as a condition of their license; or
3. A copy of the webpage showing their license status as current and their fingerprinting completed as a condition.

(A.R.S. § 36-411.B)

**4. Q: Do volunteers need to have clearance cards?**

**A:** Most volunteers are not required to have a Fingerprint Clearance Card. Only volunteers authorized by the Facility to provide direct care without visual supervision of a verified fingerprint card holder must have a card. (A.R.S. § 36-411 (F))

**5. Q: If a Licensee hires someone with a Fingerprint Clearance Card, must the person submit a new fingerprint application with DPS, or can the Licensee verify the current status of the person's card?**

**A:** A Licensee must make a documented, good faith effort to verify with the Department of Public Safety (DPS) that the person's Fingerprint Clearance Card is in good standing prior to employment. That person does not have to re-submit a fingerprint application until the expiration of the card. (A.R.S. § 36-411.C & G)

**6. Q: Can I hire an employee before their fingerprint application is submitted to DPS?**

**A:** Yes; however, a new employee who has not previously received fingerprint clearance must apply with DPS for a Fingerprint Clearance Card within twenty working days of employment. (A.R.S. § 36-411.A & D). Please keep a copy of the application on file for documentation of compliance with this requirement.

**7. Q: How often must I apply for a Fingerprint Clearance Card?**

**A.** As long as you remain with the same employer or facility, your card remains valid, regardless of the expiration date on your card. This includes those staff who received a Clearance Letter from the Department prior to July 18, 2000, before DPS assumed the responsibility of processing fingerprint applications. This includes situations where you change locations or work at multiple locations for the same employer. If you change employers, you must re-apply when your card expires. If you have a six-month or longer gap in any type of employment, you must re-apply for a new card, even if the card has not expired. (A.R.S. § 36-411 (G), (H) & (I)).

**8. Q: How long can a person continue to work after applying for a card from DPS without having received their Fingerprint Clearance Card?**

**A.** As long as the employer retains a copy of the Fingerprint Clearance Card application on file, the individual can work until the employer receives notification of clearance, denial, or suspension of the card. Once the facility is notified that a worker's card has been denied or suspended, the worker cannot provide direct care, home health services, or supportive services until they have applied for and been granted a Good Cause Exception from the Board of Fingerprinting. The worker cannot provide direct care, home health services or supportive services during the appeal process. You are always able and encouraged to check the status of an application if you do not receive notification within six weeks of submitting the application. To do so, call the Applicant Clearance Card Team at the Department of Public Safety at (602) 223-2279. Surveyors will determine compliance by contacting DPS if there is only an application on file.

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